

### REMARKS

Reconsideration and allowance of the above referenced application is respectfully requested.

Claims 1- 3 and 16-19 are currently pending in the application. Claims 4-15 and 20 have been withdrawn as being drawn to non-elected subject matter. Claims 1-3 have been amended to more clearly define the present invention. Support for the amendments is found in the specification and claims as originally filed. Specifically, the Examiner is directed to page 3, lines 12-14, page 4, lines 12-16, page 11, lines 12-19, and page 12, line 14 through page 13, line 4 of the specification. No new matter has been added.

Claims 2 and 3 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failure to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. By the above amendment to Claims 1-3, the rejection is overcome. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-3 and 16-19 are rejected under 35 U.S.C. §102(e) as being anticipated by Pelletier et al. (US 6,187,325 B1). By the above amendment to Claim 1, the Applicants respectfully assert that the rejection is overcome.

The present invention, as now claimed, is drawn to a burnet extract composition comprising from about 0.25 percent to about 20 percent by weight burnet-derived compounds, wherein the burnet-derived compounds are obtained using non-glycolic extraction methods and the resulting composition exhibits hair growth inhibition activity. (See page 12, line 14 through page 13, line 4 of the specification).

Pelletier et al. teaches cosmetic and dermatological compositions comprising a burnet extract in an amount of 0.002 - 10%, which can be derived from propylene glycol and still be

effective for skin treatment lotions, antiseptics, anti-aging lotions, acne creams, skin clarification compositions, lotions, and as a composition for increasing hair pigmentation (See Col. 3, lines 16-43, Col. 4, lines 3-8 and Col. 5, lines 42-48). Pelletier et al. specifically teaches the use of propylene glycol as an extraction solvent for a burnet extract and further teaches that the resulting composition can be applied to cranial hair (See Col. 5, line 44). Pelletier et al. provides no teaching or suggestion that a burnet extract is derived using an extraction solvent other than propylene glycol would result in a composition that would inhibit hair growth on a subject. In fact, the composition of Pelletier et al. is specifically disclosed as being useful for enhancing hair pigmentation, a use that would be counter-indicated if that same composition exhibited hair growth inhibition activity. Pelletier et al. therefore teaches directly away from Applicants invention as now claimed. Applicants therefore assert that Pelletier et al. fails to anticipate Applicants invention as now claimed.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) as being anticipated by Pelletier et al. is respectfully requested.

Claims 1-3 and 16-19 are rejected under 35 U.S.C. §102(e) as being anticipated by Suzuki et al. (US 6,171,595 B1). By the above amendment to Claim 1 and for similar reasons detailed above in regard to the rejection based on Pelletier et al., the Applicants respectfully assert that the rejection is overcome.

Suzuki et al. (US 6,171,595 B1) discloses that extracts, including burnet extract, can be obtained from a variety of plants using extracting solvents that include propylene glycol and 1,3-butylene glycol (See Col. 13, lines 4-6). Suzuki et al. (US 6,171,595 B1) fails to disclose a composition including non-glycolic burnet extract, as is now claimed by Applicants. Applicants therefore assert that Suzuki et al. (US 6,171,595 B1) fails to anticipate Applicants invention as

now claimed.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) as being anticipated by Suzuki et al. (US 6,171,595 B1) is respectfully requested.

Claims 1-3 and 16-19 are rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki et al. (US 6,075,052). By the above amendment to Claim 1 and for similar reasons detailed above in regard to the rejection based on Suzuki et al. (US 6,171,595 B1), the Applicants respectfully assert that the rejection is overcome.

Suzuki et al. (US 6,075,052) does not anticipate the present invention as now claimed for the same reasons discussed directly above with regard to Suzuki et al. (US 6,171,595 B1). Suzuki et al. (US 6,075,052) at Col. 13, lines 65-67 discloses the use of propylene glycol and 1,3-butylene glycol for purposes of extracting compounds, including burnet extract, from a variety of plants. Suzuki et al. (US 6,075,052) does not teach or suggest a composition including a non-glycolic burnet extract. Applicants therefore assert that Suzuki et al. (US 6,075,052) fails to anticipate Applicants invention as now claimed.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) as being anticipated by Suzuki et al. (US 6,075,052) is respectfully requested.

Claims 1-3 and 16-18 are rejected under 35 U.S.C. §102 (b) as being anticipated by Yong (US 5,766,614 A). Yong teaches a composition that among other active ingredients includes *Sanguisorba officinalis rhizome*. The composition of Yong is purported to be useful in the form of lotions, gels, emulsions, solutions, and ointments for the treatment of burns. Yong fails to teach or suggest a composition containing burnet-derived compounds which are obtained by non-glycolic extraction and exhibit hair growth inhibition. Applicants therefore assert that Yong fails to anticipate Applicants invention as now claimed.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) as being anticipated by Yong is respectfully requested.

Claims 1-3 and 16-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yong.

By the above amendment to the claims and the arguments present above relating to Yong, Applicants respectfully assert that the rejection is overcome. The Yong disclosure fails to teach or suggest the Applicants claimed invention of a non-glycolic burnet extract included in a composition that demonstrates hair growth inhibition. Applicants therefore assert that Yong fails to render obvious Applicants invention as now claimed.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) over Yong is respectfully requested.

Claims 1-3 and 16-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dolotovskaya. By the above amendment to the claims the Applicants respectfully assert that the rejection is overcome.

Dolotovskaya discloses an aftershave cream which includes 0.1 - 2 % extracts of lanolin, vegetable oils, emulsified waxes and water (See Abstract). Dolotovskaya fails to teach or suggest a non-glycolic burnet extract containing a composition that exhibits hair growth inhibition activity. Applicants therefore assert that Dolotovskaya fails to render obvious Applicants invention as now claimed.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) over Dolotovskaya is respectfully requested.

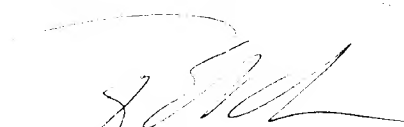
### CONCLUSION

In light of the above, Applicants believe that this application is now in condition for allowance and therefore requests favorable consideration.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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**MARKED-UP COPY OF AMENDED CLAIMS**

1. (Amended) A burnet extract composition comprising from about 0.25 percent to about 20 percent by weight burnet-derived compounds, wherein said derived compounds are not glycolic extracts and said composition inhibits hair growth.

2. (Amended) The composition [solution] of Claim 1, wherein the burnet extract comprises from about 0.5 percent to about 10 percent by weight burnet-derived compounds.

3. (Amended) The composition [solution] of Claim 1, wherein the burnet extract comprises about 3 percent by weight burnet-derived compounds.